

USDC - DVT
2:23-cv-569

VERMONT SUPERIOR COURT
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CIVIL DIVISION
Case No. 23-CV-02318

Frank Highley v BAART Clinic et al

PRELIMINARY ASSESSMENT OF PRISONER'S PETITION

This case was filed on May 30, 2023. It has been reviewed by the Court and is deemed to be the following:

- ☐ **Habeas Corpus** .
- ☐ **Habeas Corpus, wrong venue.** This is a habeas case but is filed in the wrong court. It is therefore dismissed. It can be refiled in the county in which Plaintiff is being held. *See* 12 V.S.A. § 3953.
- ☐ **Post-Conviction Relief**
- ☐ **Post-Conviction Relief, wrong venue.** This petition is for post-conviction relief but has been filed in the wrong court. It is therefore dismissed. It can be refiled in the county in which the sentence was imposed. *See* 13 V.S.A. § 7131.
- ☐ **Rule 75**
Inmate is responsible for service by waiver of service form. *See* VRCP 4(1).
- ☒ **Regular Civil Claim.**
Inmate is responsible for service by waiver of service form. *See* V.R.C.P. 4(1). Despite Inmate's recitation that his complaint falls under V.R.C.P. 75, Inmate's complaint primarily seeks monetary damages against the Defendants under a theory of medical malpractice. As such, this is a private civil claim.

☐ **Other:**

Electronically signed on 6/11/2023 11:02 AM pursuant to V.R.E.F. 9(d)

A handwritten signature in black ink, appearing to read "Daniel Richardson", written over a horizontal line.

Daniel Richardson
Superior Court Judge